

Remarks

The Examiner has objected to claim 1 because the at lines 2-3 the phrase "or industrial utility vehicle comprising" should be --or industrial utility vehicle, comprising--. Claim 1 has now been amended accordingly.

The Examiner has rejected claims 1, 2, 4, 5 and 9 under 35 USC 102(b) as being anticipated by US Patent No. 6,383,106 to Kashiwase (hereinafter Kashiwase). It is respectfully submitted that the claims, as amended, distinguish over the Kashiwase reference. More particularly, claim 1 clearly relates to a drive system for driving implements attached to a vehicle by way of a power take off. Again it is pointed out that power take offs are used in agricultural and industrial applications to drive implements that are attached to and pulled by the vehicle. Kashiwase clearly does not disclose any kind of power take off. The element 5a of Kashiwase cited by the Examiner as being the power take off shaft is in fact a drive shaft that inputs to a CVT transmission that powers the drive wheels of the vehicle. This element is neither an external shaft for providing rotational power to implements nor is it for operating nonautomotive apparatus. There is nothing in the Kashiwase disclosure that suggests that this shaft is a PTO in the normal meaning of the term. Further Kashiwase does not disclose a brake for stopping the power take off shaft (Kashiwase does not disclose a power take off). The wheel brakes which the Examiner asserts are inherent in the Kashiwase disclosure are not disclosed as being controlled by the controller. Contrary to the Examiners assertion Kashiwase does not disclose that the controller controls the brake as claimed. The Kashiwase reference simply states that:

*The driver's intention determining system 11 **detects depression operation of accelerator pedal and brake pedal**, and steering angle, thereby determining driving operation condition dependent on the operation of the driver. The vehicle control condition determining system 12 **determines brake pedal depression condition**, control quantity for the engine and the ABS (Anti-lock Braking System), and operating conditions of lights, an air conditioner and others. The driving condition determining system 13 determines the change of driving*

conditions such as vehicle speed, ascending and descending, and road surface conditions.

In dependency on outputs of those systems, the monitor and control system 10 controls operations of the engine 1 and motors 2 and 4, the oil pressure in cylinders 5f of the CVT 5, the charging of a battery 14.

Accordingly, Kashiwase does not control the brake but simply senses the condition of the brake and uses this information to **control** the operation of the engine and motors 2 and 4, the oil pressure in cylinders 5f of the CVT 5, the charging of a battery 14.

The Examiner has also rejected claims 1, 2, 4, 5 and 9-11 under 35 USC 103(a) as being unpatentable over US Patent 5,730,676 to Schmidt (hereinafter Schmidt) in view of US Patent 6,205,385 to Stelzle et al. (hereinafter Stelzle). It is respectfully submitted that the claims of the present application distinguish over the combination of Schmidt and Stelzle. More particularly, claim 1 requires that the control arrangement controls the internal combustion engine, the first electrical machine, the second electrical machine, at least one rectifier and the brake. Such an arrangement is neither taught nor suggested by the Schmidt and Stelzle references taken individually or in combination. Neither of the control schemes disclosed in Schmidt or Stelzle contemplate controlling the engine in any way. Contrary to the examiner's assertion at page 6, first paragraph, of the Action of 29 August 2006, the ECU of Schmidt does not control the engine output through controlling the engagement of clutch 232. Clutch 232 of Schmidt merely serves to engage or disengage the engine from the transmission. The speed of the engine output remains the same regardless of whether the clutch 232 is engaged or not, so the ECU of Schmidt in no way controls the engine or its output. Further there is nothing in the Stelzle reference to suggest modifying Schmidt to include this feature. Accordingly, it is submitted that the rejection under 35 USC 103(a) should be withdrawn.

In conclusion, it is believed that this application is in condition for allowance,

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and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

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